

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

ELISABETH KEMPER, *et al.*,

Case No. 1:03-cv-75

Plaintiffs,

Spiegel, J.  
Black, M.J.

vs.

CITY OF MILFORD, *et al.*,

Defendants.

**ORDER**

This matter is before the Court on a motion by defendants, City of Milford and Ronald Crider (“defendants”), for an order deeming admitted all Requests for Admissions served on defendant Harold Gossard (“Gossard”). (Doc. 73). The motion is unopposed.

On January 31, 2005, pursuant to Fed. R. Civ. P. 36, defendants’ counsel served counsel for Gossard with “Defendants, City of Milford and Ronald Crider’s First Set of Combined Interrogatories, requests for Production of Documents and Requests for Admissions Directed to Harold Gossard.” (*See* Doc. 73, ex. A). Gossard did not respond to defendants’ discovery request. (*See id.* at ex. B).

Federal Rule of Civil Procedure 36 provides in pertinent part as follows:

Each matter of which an admission is requested ... is admitted unless within 30 days after service of the request, or within shorter or longer time as the court may allow, the party to whom the request is directed serves upon the party requesting the admission a written answer or objection addressed to the matter.

Fed. R. Civ. P. 36(a). Rule 36 further provides that “[a]ny matter admitted under this rule is conclusively established unless the court on motion permits withdrawal or amendment of the admission.” Fed. R. Civ. P. 36(b).

In light of Gossard’s failure to respond to either the requests for admission or to the instant motion, **IT IS HEREIN ORDERED THAT** the motion (doc. 73) is **GRANTED** and the matters set forth in defendants’ requests for admissions previously directed to Harold Gossard **ARE DEEMED CONCLUSIVELY ESTABLISHED**. *See* Fed. R. Civ. P. 36(a), (b).

**IT IS SO ORDERED.**

Date: 5/13/05

s/Timothy S. Black  
Timothy S. Black  
United States Magistrate Judge